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14 BAYER HEALTHCARE LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 ABBOTT DIABETES CARE INC. and
19 ABBOTT LABORATORIES,

20 Plaintiffs,

21 v.

22 ROCHE DIAGNOSTICS CORP., ROCHE
23 DIAGNOSTICS OPERATIONS, INC., and
24 BAYER HEALTHCARE LLC,

25 Defendants.

26 AND RELATED CASES

Case No. C05-03117 WHA

**STIPULATION AND
~~[PROPOSED]~~ ORDER**

Judge: Hon. William H. Alsup

1 In light of the Court's October 14, 2008, Order extending by one week the deadline for
 2 Abbott to submit its response to Defendants' declarations in support of their claims for fees and
 3 costs, the parties jointly request that the Court modify its August 21, 2008 Order re: Attorney's
 4 Fees and Costs to allow an equivalent extension of time for the parties to meet and confer to
 5 resolve differences as to the amount of the claim. Paragraph 10 of the August 21 Order provides
 6 that within thirty-five calendar days of Defendants' filing of their detailed declarations, the parties
 7 "shall meet in person and confer to try to resolve all differences as to the amount." This schedule
 8 allowed the parties two weeks after the filing of Abbott's opposition to negotiate. Since Abbott's
 9 opposition papers are now due one week later on October 23, there remains only one week after
 10 that time until the current October 30 deadline for the parties to meet and confer. The parties
 11 anticipate difficulties meeting the current deadline. The parties therefore jointly request that the
 12 deadline to meet and confer regarding the Defendants' claims be modified to conform to the
 13 Court's original plan and extended by one week to November 6, 2008.

14
 15 Dated: October 16, 2008

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 18 /s/ Bradford J. Badke
 Bradford J. Badke

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 20 BIOMEDICAL CORPORATION BECTON,
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 22 Dated: October 16, 2008

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2 Dated: October 16, 2008

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9 LABORATORIES
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[PROPOSED] ORDER

The Court, having considered the parties' stipulation and for good cause shown hereby extends by one week the deadline for the parties to meet and confer pursuant to paragraph 10 of the August 21, 2008 Order re Attorney's Fees and Costs. The parties are directed to meet and confer on or before November 6, 2008.

Dated: October 20, 2008

By: _____

